

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: A8956

Leo Tat Man LAU, et al.

Appln. No.: 10/816,540

Group Art Unit: 2163

Confirmation No.: 9987

Examiner: Binh V. Ho

Filed: March 31, 2004

For: SYSTEM AND METHOD FOR INCREASING SYSTEM RESOURCE AVAILABILITY  
IN DATABASE MANAGEMENT SYSTEMS

**STATEMENT OF SUBSTANCE OF INTERVIEW**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please review and enter the following remarks summarizing the interview conducted on  
June 15, 2007.

**REMARKS**

The undersigned Applicant's representative conducted an interview with Assistant  
Examiner Binh Ho and Primary Examiner Cam-Y Troung on June 15, 2007, as indicated in the  
Examiner's Interview Summary Record (PTOL-413).

During the interview, the following was discussed:

1. Brief description of exhibits or demonstration: None
2. Identification of claims discussed: 1-10

3. Identification of art discussed: Goodman Pub. No. 2006/0059253
4. Identification of proposed amendment: None
5. Brief Identification of principal arguments:

**The Statement of Substance of the Interview**

Attorney Mark Wallerson discussed the rejection under 35 U.S.C. § 102 in view of Goodman Pub. No. 2006/0059253. Generally, Goodman does not teach, *inter alia*, the limitations recited in the independent claims, i.e. “determining whether a specified application is submitting requests using an online protocol...program code for returning defined error condition indicators to the specified application when the application is determined to be using the online protocol and when Identified system resources are determined to be scarce.” Attorney Wallerson also argued that the protocols (e.g. FTP and TCP/IP) mentioned in Goodman are insufficient to anticipate the claimed invention. However, the Examiners indicated that they continue to maintain that Goodman does teach using a protocol, citing to paragraph [0535] and [0575].

Attorneys proposed to amend the independent claims by including in the independent claims (1, 5, 8) the limitation of claims 3, 6, and 10, respectively. A proposed draft amendment was sent via email to Examiner Ho the same day for the Examiners’ consideration. Examiner Ho called and spoke to Attorney Albert DeCady on June 18, 2007 to indicate that he agreed that the proposed amendment would overcome the rejection over Goodman. Thus, Applicants respectfully request the entry of this amendment and allowance of the claims. Applicants

maintain that the claims as recited before this amendment are also patentable. Applicants reserve the right to file a Divisional Application to pursue the allowance of these broader claims.

6. Indication of other pertinent matters discussed: None

7. Result of Interview: Applicant will file amendment for the Examiner's consideration.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§ 1.2 and 1.133 and MPEP § 713.04.

**It is believed that no petition or fee is required.** However, if the USPTO deems otherwise, Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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